

ZB# 00-62

**Bila Family Partnership /
Rockaway Bedding**

65-2-12.1

#00-62

Bila Family Partners /
Rockaway Bedding
65-2-12.1 - Signs

Prelim.

Nov. 27, 2000.

Ap. has Tapeworm. ^{2nd set} 11/20/00.

Proxy Rec'd.

Public Hearing:

Jan. 8, 2001.

Sign Variances

Granted

Refund:

\$ 362.50

Joe: Jonni
(973)-625-3815

FAX: 973-625-3955

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Bila Family Partners / Rockaway, Bedding

FILE# 00-62

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

INTERPRETATION: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 11/27/00 - 8 \$ 36.00
2ND PRELIMINARY- PER PAGE 1/8/01 - 7 \$ 31.50
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 67.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 11/27/00 \$ 35.00
2ND PRELIM. 1/8/01 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING. \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 137.50

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT .. \$ 362.50

*paid ck # 17451
12/16/00*

*paid ck # 17452
12/14/00*

Patricia P. Corsetti
2BA.

17451

IONNI SIGNS, INC.

PH. 973-825-3815
114 BEACH ST.
P.O. BOX 437
ROCKAWAY, NJ 07866

DATE 12-14-00

55-271235
212

PAY
TO THE
ORDER OF

Town of New Windsor

\$ 150⁰⁰

One Hundred & Fifty Dollars

DOLLARS

Rockaway
Village

Slav

THE
BANK OF
NEW
YORK

Route 19 Dover-Clinton Road
Randolph, NJ 07069

[Signature]

FOR

RB. Vanece

#00-62
23A

⑆017451⑆ ⑆021202719⑆ ⑆6104614386⑆

IONNI SIGNS, INC.

PH. 973-625-3815
114 BEACH ST.
P.O. BOX 437
ROCKAWAY, NJ 07866

17452

DATE 12-11-00

55-271235
212

PAY
TO THE
ORDER OF

Town of New Windsor

\$ 500⁰⁰

Fine Headed Dollars

DOLLARS

RECEIVED BY
Saw Vain

THE
BANK OF
NEW
YORK

Route 18 Dover-Clinton Road
Randolph, NJ 07069

[Signature]

FOR

#00-62-
25A

⑈017452⑈ ⑆021202719⑆ ⑈6104614386⑈

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 583-4811

RECEIPT
#927-2000

12/18/2000

lonni Signs, Inc. *#00-62 Sign Variance*

Received \$ 150.00 for Zoning Board Fees, on 12/18/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

NEW WINDSOR ZONING BOARD OF APPEALS

65-2-12.1

In the Matter of the Application of

**BILA FAMILY PARTNERSHIP/ROCKAWAY
BEDDING**

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#00-62

WHEREAS, BILA FAMILY PARTNERSHIP, 158 North Main Street, Florida, New York 10921, owner, and **ROCKAWAY BEDDING**, tenant, have made application before the Zoning Board of Appeals for: Façade sign: 15 ft. sign width, 16 ft. sign width for second façade sign; plus variance for additional sign in variation of Section 48-18H(1)(b) of the Supplemental Sign Regulations for property located on Route 32 at the Big V Town Centre, Route 32, in a C zone; and

WHEREAS, a public hearing was held on the 8th day of January, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Joseph Lonni of Lonni Sign of Rockaway, New Jersey; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property consisting of one building located in the middle of a large parcel developed for use as a shopping center. This entire parcel is located in a commercial zone and substantial commercial neighborhood.

(b) The Applicant proposes signs to be placed on a freestanding, retail sales facility located in the middle of the shopping center.

(c) The front façade sign, as proposed, is consistent with and appropriate to the size of the structures.

(d) The front façade sign will be sufficient to identify the existence of the business to motorists traveling on the adjacent, busy commercial highway.

(e) The front façade sign will measure 2 ft. by 25 ft.

(f) The second sign is placed on the rear of the building and is merely for identification by persons already in the shopping center.

(g) The size of the sign applied for, 1 ft. by 16 ft. is the largest sign that the landlord of the property will permit, independent of any determination by the ZBA.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances as previously stated are reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for Façade Signs: 15 ft. sign width for one façade sign and 16 ft. sign width for second façade sign plus variance for additional sign in variation of Section 48-18H(1)(b) of the Supplemental Sign Regulations for a Rockaway Bedding retail store located at Big V Town Centre on Route 32 in a C zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: March 12, 2001.


Chairman

*Pls. publish immediately. Send bill to: Joseph Jonni
114 Beach St., P.O. Box 437, Rockaway, N.J.
07866.*

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 62

Request of Bila Family Partnership/ Rockaway Bedding

for a VARIANCE of the Zoning Local Law to Permit:

2 facade signs w/ more than the allowable sign
width & sign number by one;

being a VARIANCE of Section 48-18 H(1)(b) - Supp. Sign Regs.

for property situated as follows:

366 Windsor Highway, New Windsor, N.Y.

known and designated as tax map Section 65, Blk. 2 Lot 12.1

PUBLIC HEARING will take place on the 8th day of January, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Corsetti, Secy

11/16/01

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

.....

DATE		CLAIMED	ALLOWED
11/8/01	Zoning Board 11/16	75	00
	Misc. 2		
	Garigiulo/Lyns - 6		
	Frauman - 6		
	Bila-Podkaway - 7 31.50		
	Schleginger - 4	112	50
	<u>25</u>	<u>187</u>	<u>50</u>

BILA FAMILY PARTNERSHIP/ROCKAWAY BEDDING

MR. NUGENT: Request for 15 ft. sign width for one facade sign and 16 ft. sign width for second facade sign plus variance for additional sign, Section 48-18H(1)(b) of Supplemental Sign REgulations at 366 Windosr Highway, in C zone. Let the record show there's no one in the audience.

Mr. Joseph Ionni appeared before the board for this proposal.

MR. TORLEY: Before I forget, let the record show that again, I have an affidavit from Patricia Corsetti that 133 addressed envelopes were sent out the second of December.

MR. KANE: You have down this front sign, is that the sign that's facing Route 32?

MR. IONNI: Yes, remember at the last workshop we were, this is the front sign.

MR. KANE: I wasn't here for that one.

MR. REIS: What was the original request?

MR. IONNI: 2 x 30.

MR. NUGENT: You come up with a whole scenario of different ones. Let's take the first one that's 15 foot width for one facade sign, that's the front, are you talking about that one in the front?

MR. IONNI: You want to do the front sign first, okay, that's this one here, this banner is 2 foot by 30 foot.

MR. NUGENT: The banner that's on there right now two foot by 30?

MR. IONNI: Yes, I went down and took a photograph this time so--

MR. NUGENT: How far are you off the street?

MR. IONNI: It's 50 feet. Now, the Burger King, they also have a pylon sign, an eight foot by eight foot plus the additional wall signs. I didn't take a picture of the pylon but that's eight foot by eight foot.

MR. NUGENT: This sign's 2 x 15?

MR. IONNI: Right, but they also have a pylon.

MR. IONNI: I went back and we went through all these with the district manager of Rockaway Bedding and if you turn to your last page, the one that they really liked was the last page on the front wall sign and that's the 30 inch by 30 foot but it's your discretion. You could see last time we discussed that it was 67 foot, I went back, also, I know there was some discrepancy about the length of the sign and we were talking about the rest of the shopping center, the liquor store is about 35 feet long in width and all the other stores in the shopping center don't even have, they come close to the edges of the entire length of the store, so if they have a 20 foot front, the sign's coming, you know, pretty close to the 20 feet. This is where we were saying about aesthetics, and that first picture I showed you the 2 x 30, that was the original sketch that they wanted, it was an actual photograph you have there this one here that's the actual sign that's 2 x 30 on that building. So I gave you a bunch of different options, ultimately, they'd like the 30 x 30, we did come in with the 2 x 30 now it's, I came down, you said that the, I even put the ten foot in.

MR. NUGENT: You're asking for 15 foot width, that would give you 25, correct?

MR. BABCOCK: Yeah, he reduced it. At the beginning of the meeting, during the meeting last time, the board said that they'd like to see him reduce the sign if possible so he voluntarily said I'm gonna use his words, he voluntarily said 25 feet, so we changed the application. Then further discussions kept going and going and you asked if there was some more, give him so for more ideas of sizes, when he originally asked for 30 feet which would require a 20 foot variance, Jim, I

revised it that night based on his comments.

MR. NUGENT: Down to 15?

MR. BABCOCK: That's correct.

MR. NUGENT: And 16 foot is the side sign?

MR. BABCOCK: That's correct, side sign's going to be 16 foot long, that's what he's asking for, he's not allowed any so he needs 16 feet and right now, the way the paperwork is written up, he's asking for a 25 foot sign. Originally, he asked for 30, that's apparently what he's asking for tonight, saying that the executives of the business are asking for 30 feet.

MR. IONNI: That's what they'd ultimately like, actually, 30 inches high but, you know, this is where it's your discretion. Do you remember at the workshop it wasn't too clear what you wanted so I made all these options.

MR. TORLEY: This is very helpful.

MR. IONNI: This way you could see them and the building and take it from there.

MR. NUGENT: These are to scale?

MR. IONNI: Yes, here again, I took an actual photograph, that's the 30 foot banner and you see that's two feet by 30 feet.

MR. NUGENT: That's where you're going to put the sign?

MR. IONNI: Yeah, that's where the landlord wants it, it would be centered, that was there so we didn't put nail holes in, its a temporary banner.

MR. TORLEY: 25 foot long looks good to me.

MR. NUGENT: What's the feeling of the board?

MR. KANE: Personally on that particular sign, I like the 25 foot. *height*

MR. NUGENT: Full 15 foot variance?

MR. KANE: Yes.

MR. TORLEY: I could go with that.

MR. KANE: I think lower is probably a little bit of a disservice compared to some of the other signs out there and the 25 gets the job done rather than the 30 also.

MR. BABCOCK: Also, one other thing that he's talking about is he's allowed a 24 inch high sign and he's--

MR. KANE: Two by twenty-five.

MR. BABCOCK: I want to make sure that's clear for the record.

MR. NUGENT: We're looking at the drawings.

MR. BABCOCK: Jim, the paperwork that originally I want to make sure it's in the file so it's very confusing cause every time somebody comes, they bring in new paperwork, which ones do you go by.

MR. KANE: On the (Route 32 sign that's 2 x 25 is my personal feeling.

MR. REIS: Second it.

MR. KANE: I move we approve the requested variance by Rockaway Bedding Bila Family Partnership for a 15 foot sign width variance on one facade sign.

MR. REIS: I'll second that but I'd like to ask the applicant a question, do you feel that this would be adequate for your client, do you think that gets the job done?

MR. IONNI: It would tend more this is one we do all the Rockaway Bedding signs like 150 stores and this is one of the smaller ones, the two foot but--

MR. KANE: Honestly driving by it every day with what you have out there now, the 2 x 30, it's a big sign right from the street, so I think the 25 is fine.

MR. IONNI: My feeling going down the road, this is 2 x 30 and I don't think this is really giving it, you know, on that size of a building.

MR. KANE: I understand, I'm a building manager in New York City, I've done a lot with that and as a consumer driving down Route 32, believe me, I see that sign. So I think the 25 is adequate, you know, as far as not giving way too much but giving what the business really needs something to show that it's there and I think it's a good compromise.

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: Now, the side sign.

MR. KANE: Now, Mike, just on the second sign, you're looking for a 16 foot sign width for the second facade sign, is that in addition to the ten feet so they're looking for 26 feet long?

MR. BABCOCK: No, they're only allowed one sign, one additional sign.

MR. KANE: At two foot by 16 foot?

MR. BABCOCK: That's correct.

MR. IONNI: One foot by 16.

MR. BABCOCK: That's right.

MR. REIS: Why you did reduce it?

MR. IONNI: Landlord gave permission 12 inch by 16 foot.

MR. KANE: This is the rear of the building so this is facing the other buildings inside.

MR. IONNI: For identification.

MR. TORLEY: Although seeing there will be banner signs in the windows, as a rule, sale signs or advertising signs.

MR. IONNI: You have no banners.

MR. KANE: I think that's a minimal request for this.

MR. BABCOCK: They're allowed to have that, those banners.

MR. TORLEY: If you've got a big banner, then the actual fixed sign could be somewhat smaller.

MR. KANE: That's not a constant, the window banner signs come and go, I think that's a minimal request for a second side, considering the distance from the other buildings and looking in.

MR. TORLEY: Since we're obligated to make a minimum difference, what you see is the difference between 16 and 15 feet, 12 inches high.

MR. KANE: One foot, we beat them up on the first one, I think we should give him the second one.

MR. BABCOCK: Pretty honest.

MR. NUGENT: That'll do it.

MR. REIS: Accept a motion?

MR. NUGENT: I'll accept a motion.

MR. KANE: I move that we approve the second additional facade sign for a 12 inch by 16 foot length for Rockaway Bedding.

January 8, 2001

20

MR. REIS: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: These signs are not, they are backlit, they're not flashing, not neon?

MR. IONNI: No.

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 11/7/00

APPLICANT: Ionni Signs Inc.
PO Box 437
114 Beach Street
Rockaway, ~~NY~~ 07866
N.J.

FILE COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/6/00

FOR : Rockaway Bedding

LOCATED AT: 366 Windsor Highway

ZONE: C Sec/ Blk/ Lot: 65-2-12.1

1 ZBA 11-27-00
SET UP FOR P/H

DESCRIPTION OF EXISTING SITE: Pad Site, Big V Plaza

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18 H.(1)b Façade signs, Ipermitted 2.5ft high and 10ft wide. Rockaway bedding proposes 2 Façade signs.

Ronnie J. Vucich
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE: 1 Façade sign

SIGN:

FREESTANDING:

HEIGHT:

WIDTH: 1 10ft wide

WALL SIGNS: 1

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

1 sign 30ft wide
1 sign 16ft wide
2

REVISED 11-28-00
MR

25FT WIDE 15FT WIDTH

~~20 width~~
~~16 width~~ 16FT WIDTH
1 Façade sign

cc: Z.B.A., APPLICANT, FILE W/ ATTACHED MAP



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-4693

Assessors Office

December 18, 2000

133

Ionni Signs
114 Beach Street
PO Box 437
Rockaway, NJ 07866

Re: 65-2-12.1 (Bila Family Partnership)

Dear Sirs:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$148.00, minus your deposit of \$25.00.

Please remit the balance of \$123.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/lrd
Attachments

CC: Pat Corsetti, ZBA

Luis & Jeanine Maisonet ✓
409 Old Forge Hill Road
New Windsor, NY 12553

Raymond & Grace Skopin ✓
35 Vails Gate Heights Drive
New Windsor, NY 12553

Margaret Foley ✓
55 Vails Gate Heights Drive
New Windsor, NY 12553

Paul & Irma Martini ✓
407 Old Forge Hill Road
New Windsor, NY 12553

Vincent & Gertrude Schmidt ✓
37 Vails Gate Heights Drive
New Windsor, NY 12553

Linda Asmann ✓
2317 Tropical Shores Drive SE
St. Petersburg, FL 33705-3344

Betty Lawrence ✓
405 Old Forge Hill Road
New Windsor, NY 12553

Frederick & Thelma Zelkind ✓
39 Vails Gate Heights Drive
New Windsor, NY 12553

Sally Scheiner Revocable Trust ✓
C/o Scheiner Trustee
14488 Via Royale
Delray Beach, FL 33446

Rose Karpinski ✓
21 Vails Gate Heights Drive
New Windsor, NY 12553

Stephen & Annelie Coyle ✓
41 Vails Gate Heights Drive
New Windsor, NY 12553

Christopher Isaacs ✓
Sandra Jackson
61 Vails Gate Heights Drive
New Windsor, NY 12553

Sonnie & Diane Warshaw ✓
23 Vails Gate Heights Drive
New Windsor, NY 12553

Meredith Elaine Baker ✓
43 Vails Gate Heights Drive
New Windsor, NY 12553

David & Edith Herring ✓
63 Vails Gate Heights Drive
New Windsor, NY 12553

Ronald & Marie Perry ✓
25 Vails Gate Heights Drive
New Windsor, NY 12553

Martin & Frances Shapiro ✓
45 Vails Gate Heights Drive
New Windsor, NY 12553

Peter & Lucy Martini ✓
PO Box 331
Vails Gate, NY 12584

Barbara Levy ✓
27 Vails Gate Heights Drive
New Windsor, NY 12553

Leonard & Lucy Hunger ✓
47 Vails Gate Heights Drive
New Windsor, NY 12553

Highland Operating LTD ✓
PO Box 479
Washingtonville, NY 10992

Annette Ziegler ✓
29 Vails Gate Heights Drive
New Windsor, NY 12553

Juvencio Navedo ✓
49 Vails Gate Heights Drive
New Windsor, NY 12553

George Encke ✓
69 Vails Gate Heights Drive
New Windsor, NY 12553

David Borrero ✓
31 Vails Gate Heights Drive
New Windsor, NY 12553

Frank Robinson ✓
51 Vails Gate Heights Drive
New Windsor, NY 12553

Christine Castro ✓
Steve Christian
71 Vails Gate Heights Drive
New Windsor, NY 12553

Steven & Ronni Warshaw ✓
33 Vails Gate Heights Drive
New Windsor, NY 12553

Carmine Pacione ✓
393 Old Forge Hill Road
New Windsor, NY 12553

James Kilcullen ✓
73 Vails Gate Heights Drive
New Windsor, NY 12553

Salvatore & Concetta Petrolese ✓
75 Vails Gate Heights Drive
New Windsor, NY 12553

Ernest & Ruth Banks ✓
95 Vails Gate Heights Drive
New Windsor, NY 12553

Jerline & Zelda Ware ✓
401 Old Forge Hill Road
New Windsor, NY 12553

Carmine & Norma Luongo ✓
77 Vails Gate Heights Drive
New Windsor, NY 12553

Ronald Fall ✓
Susan Sloane
815 Cooper Road
Poughkeepsie, NY 12603

Emil Mihalco Jr. ✓
Bernice Sopiell
387 Old Forge Hill Road
New Windsor, NY 12553

Alberto & Mary Zeneri ✓
79 Vails Gate Heights Drive
New Windsor, NY 12553

Joel & Talietha Feinberg ✓
PO Box 951
Vails Gate, NY 12584

New Windsor Properties LLC ✓
C/o Peck & Heller
60 E 42nd Street
New York, NY 10165

Josika Gojka ✓
Adrian Bita
125 Lakeside Road
Newburgh, NY 12550

William & Diana Morange ✓
101 Vails Gate Heights Drive
New Windsor, NY 12553

Edwin & Lorayne Wolff ✓
80 Vails Gate Heights Drive
New Windsor, NY 12553

Lewis Thomas ✓
Claudia Rudin
PO Box 4253
New Windsor, NY 12553

Joseph & Doreen Uhrec ✓
103 Vails Gate Heights Drive
New Windsor, NY 12553

Robert & Harriet Klein ✓
82 Vails Gate Heights Drive
New Windsor, NY 12553

Glen & Regina Mitchell ✓
85 Vails Gate Heights Drive
New Windsor, NY 12553

Vincent Kayes ✓
105 Vails Gate Heights Drive
New Windsor, NY 12553

Hector & Carol Kercado ✓
84 Vails Gate Heights Drive
New Windsor, NY 12553

Eugene & Dorothy Reilly ✓
87 Vails Gate Heights Drive
New Windsor, NY 12553

Josika Gojka ✓
45 Fairview Avenue
New York, NY 10040

John Maresca ✓
86 Vails Gate Heights Drive
New Windsor, NY 12553

Lionel & Marie Garcon ✓
89 Vails Gate Heights Drive
New Windsor, NY 12553

Town of New Windsor ✓
555 Union Avenue
New Windsor, NY 12553

Mary Nottingham ✓
PO Box 501
Vails Gate, NY 12584

Ingrid Anderson ✓
91 Vails Gate Heights Drive
New Windsor, NY 12553

Dominick & Lucille Parisi ✓
53 Highview Avenue
Newburgh, NY 12550

Kim Bak Man ✓
90 Vails Gate Heights Drive
New Windsor, NY 12553

Elizabeth McMahon ✓
93 Vails Gate Heights Drive
New Windsor, NY 12553

Alton & Theresa Christianson ✓
397 Old Forge Hill Road
New Windsor, NY 12553

Bernard & Beatrice Dolan ✓
92 Vails Gate Heights Drive
New Windsor, NY 12553

Nuncio & Mirian Diaz ✓
96 Vails Gate Heights Drive
New Windsor, NY 12553

Jeffrey Knight ✓
Veronica Earley
120 Vails Gate Heights Drive
New Windsor, NY 12553

Adeline Gracey ✓
11809 Oakwood Drive
Woodbridge, VA 22192

Willie Kimbrough Jr. ✓
100 Vails Gate Heights Drive
New Windsor, NY 12553

John & Luz Mahoney ✓
122 Vails Gate Heights Drive
New Windsor, NY 12553

Robert & Jamene Kopman Living Trust ✓
345 Butternut Drive
New Windsor, NY 12553

David Hater ✓
102 Vails Gate Heights Drive
New Windsor, NY 12553

William & Lynne Mc Garry ✓
124 Vails Gate Heights Drive
New Windsor, NY 12553

Longo's Service Station, Inc. ✓
362 Windsor Highway
New Windsor, NY 12553

Claudia Edwards ✓
104 Vails Gate Heights Drive
New Windsor, NY 12553

Season Mortgage Group ✓
9325 Midlothian Turnpike
Richmond, VA 23235-4943

356 Windsor Highway Associates LLC ✓
c/o Grace Panella
2 Hearthstone Way
New Windsor, NY 12553

Juan Ortiz Jr. ✓
106 Vails Gate Heights Drive
New Windsor, NY 12553

Robert Sorrentino ✓
1109 Cool Springs Drive
Kennesaw, GA 30144

Daniel, Jennie & Jennie Simon ✓
2 Mertes Lane
New Windsor, NY 12553

John Romano Jr. ✓
108 Vails Gate Heights Drive
New Windsor, NY 12553

Edward & Anne Lamb ✓
130 Vails Gate Heights Drive
New Windsor, NY 12553

Frank & Lois Morey ✓
3 Mertes Lane
New Windsor, NY 12553

Thomas & Billie Mae Napolitano ✓
110 Vails Gate Heights Drive
New Windsor, NY 12553

Barbara Lagese ✓
134 Vails Gate Heights Drive
New Windsor, NY 12553

Gilbert Rashbaum ✓
6075 Pelican Bay Blvd.
Naples, FL 33963

Leon Saunders ✓
Ann Barnett
114 Vails Gate Heights Drive
New Windsor, NY 12553

William & Virginia Owens ✓
136 Vails Gate Heights Drive
New Windsor, NY 12553

Clarence & Lorraine Gualtieri ✓
PO Box 157
Vails Gate, NY 12584

Carlos & Julia Martinez ✓
116 Vails Gate Heights Drive
New Windsor, NY 12553

James & Shirley Casey ✓
138 Vails Gate Heights Drive
New Windsor, NY 12553

Fall Fittings, Inc. ✓
380 Route 208
New Paltz, NY 12561

Robert & Linda Mazureck ✓
118 Vails Gate Heights Drive
New Windsor, NY 12553

Leonard Benedetto ✓
140 Vails Gate Heights Drive
New Windsor, NY 12553

Orange County I.D.A. ✓
C/o Strober King Building Supply
PO Box 726
Vails Gate, NY 12584

Albany Savings Bank ✓
94 Broadway
Newburgh, NY 12550

R & S Foods Inc. ✓
249 North Craig St.
Pittsburgh, Pa 15213

Vails Gate Elementary School ✓
98 Grand Street
Newburgh, NY 12550

NY Central Lines, LLC ✓
C/o CSX
500 Water Street (J-910)
Jacksonville, FL 32202

Frederick, Madison Samuel ✓
& Audrey Kass
367 Windsor Highway
New Windsor, NY 12553

New Windsor Dental Management Corp. ✓
375 Windsor Highway Suite 300
New Windsor, NY 12553

Blix Corporation ✓
PO Box 1002
Highland Mills, NY 10930

Lizzie Realty LLC ✓
24 Dunning Road
Middletown, NY 10940

Norstar Bank of Upstate N.Y. ✓
Facilities Management
P.O. Box 911
Newburgh, NY 12550

Mans Brothers Realty Inc. ✓
P.O. Box 247
Vails Gate, NY 12584

Joan A. Shedden ✓
Box 608 A
Vails Gate, NY 12584

John Aquino & Gregory Mellick ✓
9 Hawthorne Place Apt. 2 N
Boston, Ma 02114

NW Partners LLC ✓
30 Corporate Circle
Albany, NY 12203

The Vails Gate Fire Company ✓
PO Box 101
Vails Gate, NY 12584

Sorbello, Bouyea, King ✓
C/o Robert K. Bouyea
505 North Riverside Road
Highland, NY 12528

Arthur Stockdale ✓
26 Kristie Lane
Jericho, VT 05465

Richard & Diane Storey ✓
5 Mark Street
New Windsor, NY 12553

Christopher & Christina Mullen ✓
62 Continental Drive
New Windsor, NY 12553

Richard & Jeannie Crook ✓
64 Continental Drive
New Windsor, NY 12553

John & Mary Rohan ✓
66 Continental Drive
New Windsor, NY 12553

Tower Management Financing ✓
Partnership LP
680 Kinderkamack Road
River Edge, NJ 07661

Wayne Baratta ✓
33 Village Common Road
Fishkill, NY 12524

Carmine Andriuolo ✓
363 Windsor Highway
New Windsor, NY 12553

County of Orange ✓
255-275 Main Street
Goshen, NY 10924

Vittorio & Lucy Vitolo ✓
5 Vista View Terrace
Middletown, NY 10940

Orfeo Cicchetti ✓
33 Sherwood Drive
Mastic Beach, NY 11951

Reziero Vitolo ✓
137 Mill Street
Wallkill, NY 12589

Bank of New York ✓
Property Management
48 Wall Street-24 th Floor
New York, NY 10286
Att. P. Culas

Sy Realty Corp. ✓
550 Hamilton Avenue
Brooklyn, NY 11232

Eugene & Ruth Andrews ✓
PO Box 292
Vails Gate, NY 12584

Eric Strober & John Yankulis ✓
C/o Temple Hill Property
550 Hamilton Avenue
Brooklyn, NY 11232

Paula Martino ✓
11 Buttonwood Drive
New Windsor, NY 12553

Thomas & Kathleen Manning ✓
2 Creek Run Road
Newburgh, NY 12550

Antonio & Giencinta Dedominicis ✓
PO Box 327
Cornwall, NY 12518

Mani Inaganti ✓
PO Box 787
Vails Gate, NY 12584

Robert & Catherine Babcock ✓
324 Station Road
Rock Tavern, NY 12575

Terry & Lorraine De Couto ✓
PO Box 4206
Vails Gate, NY 12553

Kelly Family Partnership ✓
PO Box 38
Vails Gate, NY 12584

Wayland & Joy Sheafe ✓
1661 Little Britain Road
Rock Tavern, NY 12575

Antonio & Gemma Tornatore ✓
82 Continental Drive
New Windsor, NY 12553

Walter & Lovella Nichols ✓
PO Box 579
Vails Gate, NY 12584

David & Elizabeth Betrix ✓
PO Box 465
Vails Gate, NY 12584

Frances Taravella ✓
PO Box 94
Vails Gate, NY 12584

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

In the Matter of the Application for Variance of

Bela Family Partnership/Rockaway
#00-62. Bedding

**AFFIDAVIT OF
SERVICE
BY MAIL**

STATE OF NEW YORK))
COUNTY OF ORANGE) SS.:

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 26th day of December, 20 00; I compared the 133 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Johnnie L. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-62

Date: 12/18/00

- I. ✓ Applicant Information: BILA FAMILY PARTNERSHIP 158 N MAIN ST FLORIDA, NY. 845-651-7773
- (a) JOSEPH IONNI 114 BEACH ST / P.O. BOX 437 ROCKAWAY, NJ. 07866 973-610-6729
(Name, address and phone of Applicant) (Owner)
- (b) ROCKAWAY CEDDING BIG TOWN CNTR RT 32 VANS GATE, NY - 973-584-2299
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) IONNI SIGNS (JOSEPH IONNI PRES) P.O. BOX 437 / 114 BEACH ST ROCKAWAY, NJ 07866 973-610-6729
(Name, address and phone of contractor/engineer/architect) 3815

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) Hwy Cor. 366 Windsor Highway 65-2-12.1 30 ACRES
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? SAME
- (c) Is a pending sale or lease subject to ZBA approval of this application? YES
- (d) When was property purchased by present owner? N/A
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? YES
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? N/A
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-18H(1)(b) Supp. Sign Regs.

		Requirements	Proposed or Available	Variance Request
* 2 facade signs	Sign 1 FRONT	10' LONG (WIDE)	2' X 25'	15 ft. width
	Sign 2 REAR	10' LONG (WIDE)	1' X 16'	16 ft. width
	Sign 3	* 1 facade	* 2 facade	* 1 extra facade sign
	Sign			

- ✓ (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

IN KEEPING WITH LOOK OF BUILDING 67' LONG AND (REST) OF STORES
IN SHOPPING CENTER SAME LOOK

- ✓ (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?
NONE ON THIS BUILDING

VII. Interpretation. N/A

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

SHOPPING CENTERS GOOD HOUSEKEEPING REQUIREMENT

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ N/A Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$160.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- ☐ Photographs of existing premises from several angles.

X. Affidavit.

James J. Murphy
STATE OF NEW YORK)

Morris) SS.:
COUNTY OF ~~ORANGE~~)

Date: Dec. 18, 2000

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Joseph H. Hurl
(Applicant)

Sworn to before me this

14 day of December, 192000

Barbara A. Lynch
BARBARA A. LYNCH
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JAN. 16, 2002

XI. ZBA Action:

(a) Public Hearing date: _____.

Date 12/28/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
11/27/00		Zoning Board Dtg	75 00	
		Misc - 2		
		Francan - 6		
		Bila - 8 36.00		
		M'Dermott - 1		
		Orr - 4		
		Duckworth - 2		
		Cosallo - 4		
		27	121 50	
			196 50	

BILA FAMILY PARTNERS

Mr. Joseph Ionni appeared before the board for this proposal.

MR. NUGENT: Request for 2 facade signs, 20 ft. sign width and 6 ft. sign width variances for Rockaway Bedding at 366 Windsor Highway in C zone.

MR. IONNI: I'm Joe Ionni from Ionni Signs. I'm a sign contractor for Rockaway Bedding and we went through this with Diana Dross, the landlord of the property, and we went by what you granted in the past for the rest of the shopping center as far as the size of the signs. The front facing Route 32 will be two feet by 30 feet and it's on a 67 foot front. This is all to scale and you'll see it exactly like this, it's not overbearing. And then the rear sign is 12 inches by 16 feet and it's drastically reduced, it's for the people in the shopping center so they could see the, you know, there's a remote building in the front of the lot, it's a pad sign, it's a separate building from the rest of the shopping center, the main area, so for direction and to see what's going on, we put a smaller sign 12 inches by 16 for the rear.

MR. REIS: There's no signs on the north-south direction?

MR. IONNI: No, no, just facing parallel to Route 32 and facing the back of the building.

MR. TORLEY: Mike, he's allowed the one facade sign, this area variance is for just one sign or both, I'm not sure I follow?

MR. BABCOCK: Actually, what we did is he's allowed one sign which is two foot high and ten foot long, so if you see sign number one by width, sign number one needs a 30 foot length cause it's, we're not giving him any credit for that, we're giving it to him on the other one, all right, so we're saying sign number one is the 30 foot is what he's proposing, I'm sorry, excuse me, and he needs a variance of 20 foot because he's allowed ten feet. Sign number 2 he's proposing 16 feet and he

needs 16 feet cause he's not allowed to have that sign.

MR. TORLEY: 20 foot facade sign, one for 20 foot sign width and one for 16 foot sign width or 6 feet?

MR. BABCOCK: I'm sorry, yes, you're right, that's a typo, the written one is 16.

MR. TORLEY: That's a big sign.

MR. NUGENT: The 24 inch by 30 foot sign it shows letters in the dead middle, is there any reason why the white area that you have here can't be reduced?

MR. IONNI: The white area that's like a dormer, they put that in the building, that isn't part of the sign.

MR. BABCOCK: We're measuring the sign, that white area is much much larger.

MR. NUGENT: I thought this white section was part of it.

MR. BABCOCK: No, the Rockaway is 24 inches high.

MR. MCDONALD: It runs from the R to the G.

MR. BABCOCK: That's correct.

MR. IONNI: From my understanding with Diana Dross, she said it was this ten foot increments for so many feet, that's how she calculated out that it was allowed, the 30 feet from prior signs.

MR. NUGENT: Well, the only reason--is this in the Price Chopper Plaza or Shop Rite?

MR. BABCOCK: Shop Rite.

MR. NUGENT: The reason that we're allowing the larger signs is because of the distance from the road, it's so far away, you're going by 40 miles an hour, you're not going to see the sign, that's why we have been allowing them to be a little bit larger.

MR. BABCOCK: This is the new building now the front by Key Bank.

MR. NUGENT: Right in the front?

MR. BABCOCK: Yes.

MR. MCDONALD: It's close to the road.

MR. BABCOCK: I'd say it's probably a good hundred feet from the road.

MR. TORLEY: You're asking for a sign three times bigger than the code allows.

MR. IONNI: Well, supposedly, I'm getting in the middle of this now, she said this was standard for figuring out the signs.

MR. NUGENT: We don't have any standard.

MR. REIS: The standard is the code.

MR. TORLEY: Code says 22 x 10.

MR. IONNI: She was under the impression we didn't even need a variance for this.

MR. MC DONALD: She would have been in trouble.

MR. IONNI: Yeah.

MR. BABCOCK: If this was a strip mall like behind you in Shop Rite, if there was three businesses in this building, you know, divided this building up three ways, three different businesses, this would be allowed three different signs which would be ten foot each, that's in her mind, she's looking at Shop Rite, that's the only way I can explain it.

MR. IONNI: I'm just saying what she told me.

MR. BABCOCK: She's now taking the consideration that that could be three businesses, the length is 67 feet.

MR. REIS: You being the professional sign man, is there a way that you can aesthetically and reasonably reduce this and get it a little closer to what our code is requiring and still get the affect that the owner needs if this was 20 feet or 24 feet rather than 30 feet?

MR. IONNI: Yeah, 25 feet, cut off another five feet, we didn't make the sign yet, of course.

MR. REIS: Do you think that would give you the affect that you need as far as visibility?

MR. IONNI: We have done Rockaway Bedding 2 x 25 in the past for him.

MR. REIS: May I make a suggestion that we reduce it?

MR. NUGENT: Absolutely, anything that he can reduce it would be better, I thought it was way off the road but he's not.

MR. TORLEY: If he's way off the road, Town Board has said we want 2 x 10 foot signs, what's the justification for wanting a sign even reducing 2 1/2 times bigger than it should be.

MR. IONNI: It's like a pimple on this big building, 67 feet, though.

MR. TORLEY: What about the back sign?

MR. IONNI: Like I said, that's more of identification, that's something that the landlord, they don't want it any larger than that, that's their restriction, that was just for people going between the two buildings, just to identify them as Rockaway Bedding, so they don't have traffic accidents or hazards looking around for Rockaway Bedding because they only have the one in the front because they do a lot of advertising in the newspaper.

MR. NUGENT: One in the back is not lit?

MR. IONNI: Yes, it would be lit also.

MR. NUGENT: Internally lit?

MR. IONNI: Sure, individual letters, just like the rest of the mall, it's not a box sign, it's individual letters.

MR. KRIEGER: Internally lit steady illumination, no flashing, no neon?

MR. IONNI: Right, so if we cut it down--

MR. REIS: Try to get it closer to our code here.

MR. TORLEY: What if we made the letters 16 inches high and it would be shrunk proportionately further?

MR. IONNI: You're not going to read it.

MR. TORLEY: It's a hundred feet from the road.

MR. MCDONALD: If that.

MR. IONNI: But it's going to get less on the gigantic building.

MR. MCDONALD: Aesthetically, you can see that building, you can't miss it, you know, you drive down 32, if you don't know it's there, you're in trouble.

MR. IONNI: I'm sure the ones in the back are larger than two foot high.

MR. MCDONALD: But they're a long ways from the building, too, from the road.

MR. IONNI: That's what I'm saying, given that's how the landlord calculated all this and came up with this see we went by their guidelines.

MR. REIS: Can you go to a 20 inch high letter rather than a 24 inch? Just trying to find a happy medium here for everybody.

MR. NUGENT: It's not the height, it's the length.

MR. REIS: One will affect the other.

MR. TORLEY: This is the type face they want?

MR. IONNI: Yeah, this is what they use.

MR. TORLEY: We've run into this before, a corporation says we want this kind of sign, but our code says no, it's not, to be frank, it's not our problem with the what the corporation wants. The Town Board has said this is the kind of signs we want in the town.

MR. KRIEGER: The way this works mechanically the law is made by the Town Board, Town Board decides what the standards are going to be, what the law's going to be, then it provides for a Zoning Board of Appeals which this is which considers individual cases, whether those should be varied for that individual case. Because they are individual cases, this board doesn't rewrite the law, doesn't create any law, doesn't create any standards, it takes them one at a time. So what we may or may not have done for somebody else is not necessarily going to guarantee you the same treatment.

MR. IONNI: So you're saying 20 feet is what you're looking for in length and that would--

MR. REIS: Actually, ten foot.

MR. TORLEY: 2 x 10 is the code.

MR. REIS: So we understand that that's for this size building we're coming up short for you and we're not saying that we won't compromise our code.

MR. IONNI: Ten feet is from here to here.

MR. TORLEY: See the other thing we're required by State Code is we must, we're to minimize any variances.

MR. NUGENT: That's what we're trying to do now.

MR. IONNI: Take into consideration the two stores, can we go to 20 feet then cause it's such a large length of

building.

MR. TORLEY: If it's two stores, yeah, 20 feet, you'd be entitled to 20 feet, two 10 foot signs, but is this one or two stores?

MR. IONNI: It's one store but what I'm saying it's going to look, aesthetically, it's going to look ridiculous, ten foot sign compared to the other ones which were granted for the other stores, if you have a 15 foot sign and you're giving him a ten foot sign.

MR. TORLEY: At the public hearing which we're required to have, there could be some negotiations at this point as well.

MR. NUGENT: Well, I think he needs to go back and do up a couple designs.

MR. TORLEY: But I don't want to hold the gentleman up.

MR. NUGENT: No, no, we'll set him up for a public hearing but bring a couple alternate designs in.

MR. IONNI: Do you want me to show you, I can actually put it in ten feet, it would look absolutely ridiculous, 10, 20, 25.

MR. NUGENT: Do it all up.

MR. MCDONALD: I make a motion we set him up for a public hearing.

MR. REIS: Second it.

MR. NUGENT: If you can.

MR. IONNI: And the rear sign.

MR. NUGENT: If you can shrink it.

MR. TORLEY: Even that one is longer than code.

MR. NUGENT: If you can reduce it down.

MR. TORLEY: Theoretically by the code, you're not entitled to a sign at all.

MR. IONNI: Twelve and how about a 15?

MR. TORLEY: Draw them up, see what they look like, again, you're asking for one more sign than the code allows.

MR. IONNI: Well, it's drastically reduced also you can just imagine people driving around the shopping center, the building's right here and they can't find it.

MR. TORLEY: That's why we're here.

MR. NUGENT: You need identification in the back, no question about it.

MR. MCDONALD: It's a big building, ten foot sign you wouldn't even see it.

MR. IONNI: It would look ridiculous.

MR. NUGENT: Roll call.

ROLL CALL

MR. MC DONALD	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. IONNI: When will this be scheduled then?

MR. NUGENT: When you get the paperwork back.

MS. CORSETTI: Michael, are you going to change the number, it says 6 feet in the last column?

MR. BABCOCK: Yes.

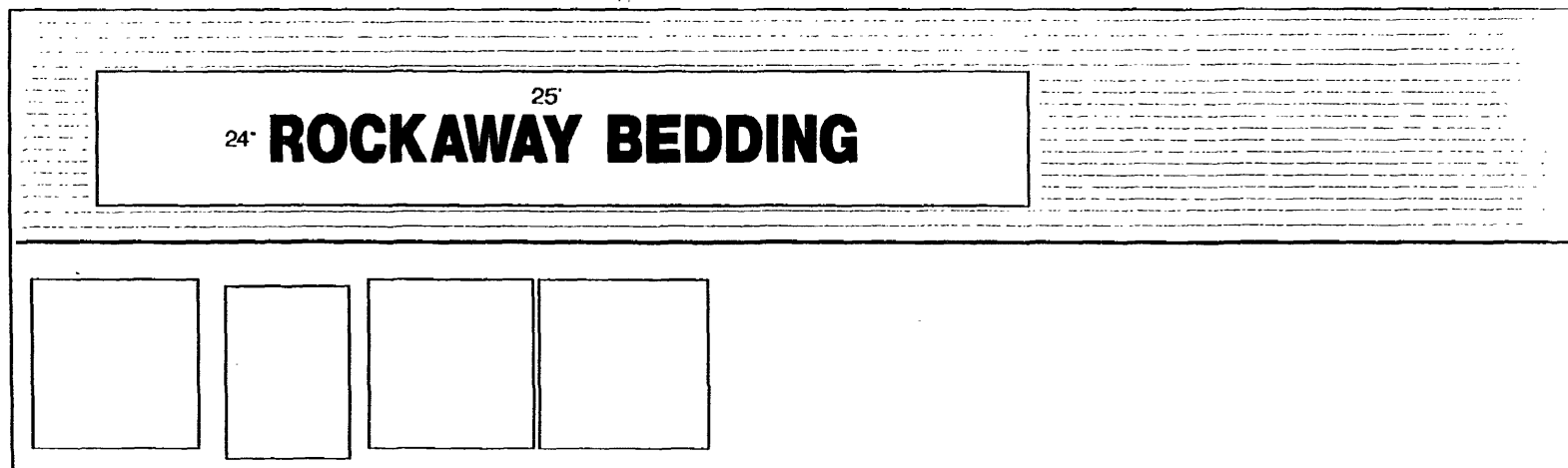
ionni SIGN^{INC.}

Complete Sign Service
Mailing: P.O. Box 437/Shop: 114 Beach St.
Rockaway, N.J. 07866

973-625-3815

Fax 973-625-3955

FRONT SIGN

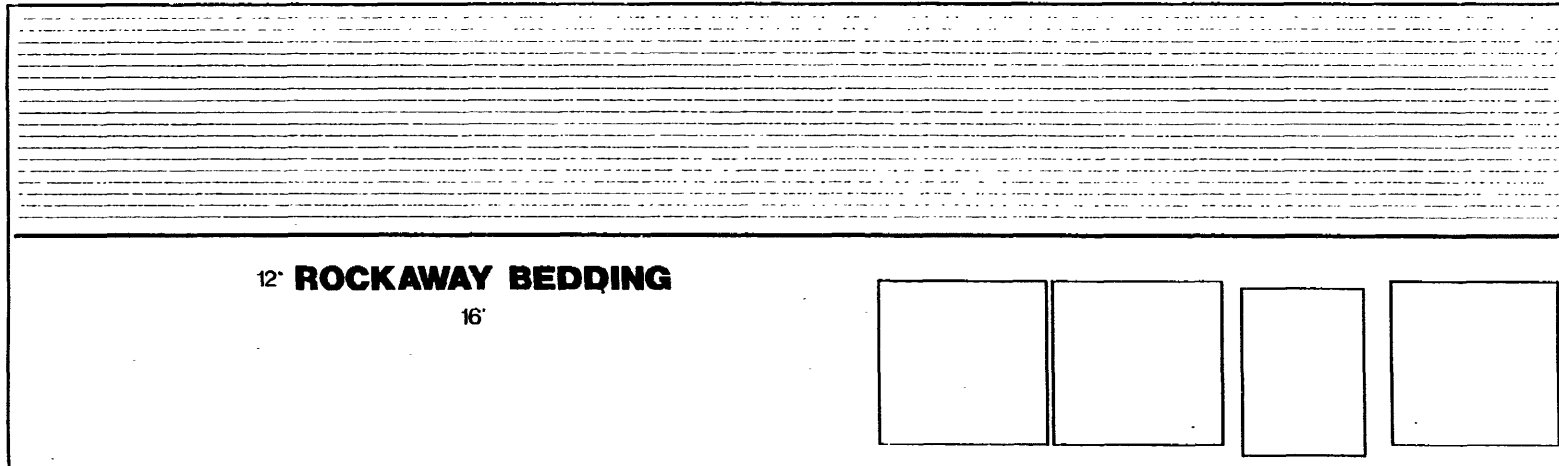


67' STORE FRONT

ROCKAWAY BEDDING
VAILS GATE,NY
YELLOW ACRYLIC FACES,
DARK BRONZE ALUMINUM RETURNS,
DARK BRONZE TRIM CAP
LETTERS MOUNTED ON RACEWAY-COLOR MATCH BACKGROUND
10" HIGH BY 8" THICK BY LENGHT OF SIGN
SINGLE FACED ILLUMINATED WALL SIGN 2'X30'

SCALE 1/8"=1'

REAR OF BUILDING



67' STORE FRONT

SINGLE FACED ILLUMINATED WALL SIGN 12"X16'
YELLOW ACRYLIC LETTERS, DARK BRONZE ALUMINIUM RETURNS
AND TRIM CAP
SCALE 1/8"=1'

ionni SIGN INC.

Complete Sign Service
Mailing: P.O. Box 437/Shop: 114 Beach St.
Rockaway, N.J. 07866

973-625-3815

Fax 973-625-3955

DATE OF MEETING: 1/8/01

FRANKLIN

FRONT SIGN
15th var
SIDE SIGN

	Min.	1	2	3	4	5	6	7	8	9	10	11	12
L. McDonald													
M. Reis	P	Y	R	Y	Y			Y		Y			
M. Kane	P	Y	Y	Y	Y			Y		Y			
L. Torley	P	Y	N	Y	Y			Y		Y			
J. Nugent	P	Y	Y	Y	Y			Y		Y			
Roll Call:	4/0	2Y 1N								1			

4/0

4AY6

4AY6

4AY6

R = RECUSSED

WOLFF & SAMSON DRAFT
June 20, 2000

AGREEMENT OF LEASE
BY AND BETWEEN
BILA FAMILY PARTNERSHIP, LANDLORD
AND
ROCKAWAY BEDDING CENTERS OF NEW YORK, INC., TENANT

Premises: Big View Centre
Route 32
Vails Gate, New York

~~October~~
Dated: July __, 2000

AGREEMENT OF LEASE

AGREEMENT made effective as of the October day of July, 2000, between BILA FAMILY PARTNERSHIP, a New York general partnership, having an address at 158 North Main Street, Florida, New York 10921 (hereinafter called "Landlord") and ROCKAWAY BEDDING CENTERS OF NEW YORK, INC., a New Jersey corporation having an address at One Aspen Drive, Randolph, New Jersey 07869 (hereinafter called "Tenant").

PREAMBLE**A. BASIC LEASE PROVISIONS AND DEFINITIONS.**

In addition to other terms elsewhere defined in this Agreement of Lease (hereinafter called "Lease"), the following terms whenever used in this Lease shall have only the meanings set forth in this Article, unless such meanings are expressly modified, limited or expanded elsewhere herein:

(1) Date of Lease: October July, 2000

(2) Exhibits: The following Exhibits attached to this Lease are incorporated herein and made a part hereof:

EXHIBITS

- Exhibit A - Site Plan
- Exhibit B - [Intentionally Omitted Prior to Lease Execution].
- Exhibit C - Landlord's Work
- Exhibit D - Rules and Regulations
- Exhibit E - Rent Schedule
- Exhibit F - Landlord's Signage Criteria

(3) Shopping Center: The parcel of real property, with the buildings and improvements thereon constructed, or to be constructed, as such may be expanded from time to time, known as Big "Y" Town Centre, as shown on Exhibit A, located on Route 32, Vails Gate, New York. Whenever "gross floor area" or "gross leasable area" is used in this Lease, it shall be deemed to mean the number of square feet of floor space within the exterior faces of the exterior walls, without deduction for any space occupied by or used for columns, stairs, or other interior construction or equipment. The center of the wall shall be used in case of party walls and walls between spaces occupied by two or more separate tenants. In the event the gross leasable area of the Shopping Center and/or the Demised Premises changes during the Term, Tenant's Proportionate Share (as defined below) shall be adjusted accordingly.

(4) Demised Premises: Store Premises Retail "E" within the Shopping Center as outlined or otherwise designated on Exhibit A hereof and containing approximately 2,503 square feet of gross leasable area, subject to verification.

PROXY AFFIDAVIT

SUBMISSION OF APPLICATION FOR VARIANCE # 00-62.

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

Jeffrey Rosenberg

, deposes and says:

I am the OWNER of a certain parcel of land within the TOWN OF NEW WINDSOR designated as tax map SECTION 65 BLOCK 2 LOT 12.1. I HEREBY AUTHORIZE Joe Ionni of Ionni Sign (company name) to make an application before the ZONING BOARD OF APPEALS as described in the within application.

Dated: November 9, 2000.


(Signature of Owner)

Sworn to before me this

9th day of November, 2000.


Notary Public

JOHN P. CAPLON
NOTARY PUBLIC, State of New York
Qualified in Orange County
Commission Expires March 30, 2001

(ZBA DISK#1-060895.PXY)

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

COPY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914) 563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.

DATE: 11/7/00

APPLICANT: Ionni Signs Inc.
PO Box 437
114 Beach Street
Rockaway, NY 07866

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 11/6/00

FOR : Rockaway Bedding

LOCATED AT: 366 Windsor Highway

ZONE: C Sec/ Blk/ Lot: 65-2-12.1

DESCRIPTION OF EXISTING SITE: Pad Site, Big V Plaza

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 48-18 H.(1)b Façade signs, lpermitted 2.5ft high and 10ft wide. Rockaway bedding proposes 2 Façade signs.


BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: C USE: 1 Façade sign

SIGN:

FREESTANDING:

HEIGHT:

WIDTH: 1 10ft wide

1 sign 30ft wide

20 width

1 sign 16ft wide

6 width

WALL SIGNS: 1

2

1 Façade sign

TOTAL ALL SIGNS:

FEET FROM ANY LOT LINE:

cc: Z.B.A., APPLICANT, FILE, W/ATTACHED MAP

0-0-1

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

NOV 05 2000

Town of New Windsor Bldg. Dept.

FOR OFFICE USE ONLY:
Building Permit #: 2000-1157

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises ROCKAWAY BEDDING/TENNANT PROPERTY OWNER - BILA FAMILY PARTNERSHIP

Address 366 WINDSOR HWY Phone 973-584-2299

Mailing Address 366 WINDSOR HWY

Name of Architect N/A

Address N/A Phone _____

Name of Contractor LONNI SIWS INC.

Address P.O. BOX 437/114 BEACH ST ROCKAWAY, NJ 07866 Phone 973-625-3815

State whether applicant is owner, lessee, agent, architect, engineer or builder CONTRACTOR

If applicant is a corporation, signature of duly authorized officer. JOSEPH LONNI PRES. LONNI SIWS, INC
(Name and title of corporate officer)

1. On what street is property located? On the 366 WINDSOR Hwy side of BIG V TOWN CENTRE
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y N X

3. Tax Map Description: Section 65 Block 2 Lot 12.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy RETAIL SALE/BEDDING MATTRESS SALES

5. Nature of work (check if applicable) ☐ New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other SIW

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 59' Rear 59' Depth 40 Height 25' No. of stories 1

8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor N/A

N/A Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use RETAIL SALES
BEDDING MATTRESS SALES

10. Estimated cost 4300 Fee _____

FRONT SIW - 2' HIGH X 30' LONG See PLANS

PAID

50.00

11/6/17

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Ins.
Fire Ins.
Appl.
Disapp.
Permit No.

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Joseph P. Santora, Inc.
(Signature of Applicant)

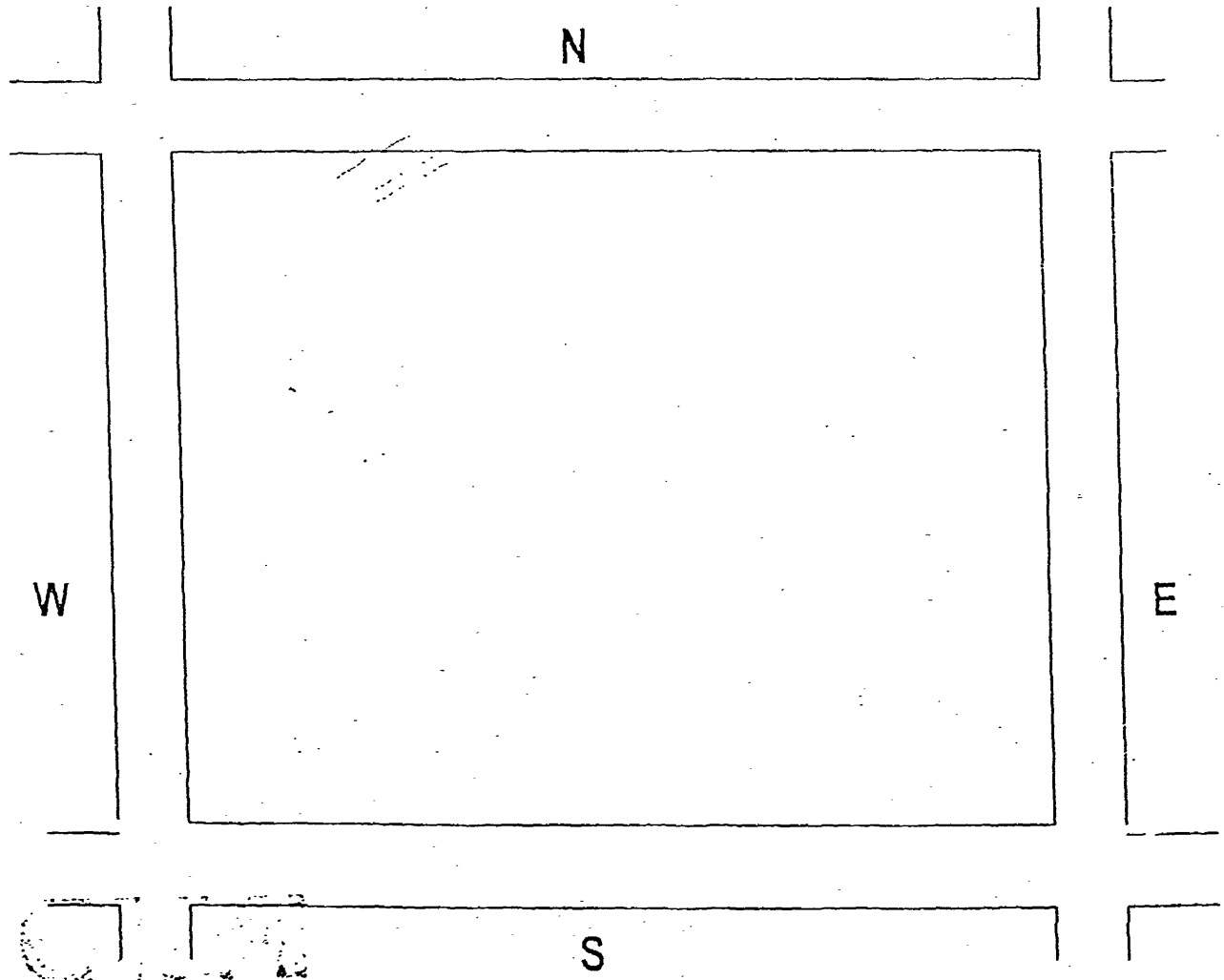
P.O. Box 437 ROCKAWAY, N.J. 07866
(Address of Applicant)

ATTACHED LETTER

(Owner's Signature)

(Owner's Address)

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



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RECEIVED

NOV 0 - 2000

Town of New Windsor Building Dept.

FOR OFFICE USE ONLY:
Building Permit #: 2000-1156

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Owner of Premises ROCKAWAY BEDDING/TENNANT PROPERTY OWNER-BILLY PARTNERSHIP
Address 366 WINDSOR HWY Phone 973-584-2299
Mailing Address 366 WINDSOR HWY.
Name of Architect N/A
Address N/A Phone _____
Name of Contractor JOHN SIMS INC
Address P.O. BOX 437/114 BEACH ST ROCKAWAY, NJ 07866 Phone 973-625-3815
State whether applicant is owner, lessee, agent, architect, engineer or builder CONTRACTOR
If applicant is a corporation, signature of duly authorized officer. JOSEPH JOHN PRES. JOHN SIMS INC.
(Name and title of corporate officer)

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(N, S, E or W)
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a. Existing use and occupancy _____ b. Intended use and occupancy RETAIL SALE/BEDDING
MATTRESS SALES

5. Nature of work (check if applicable) ☐ New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other SIGN

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front ± 59' Rear ± 59' Depth ± 40' Height 25' No. of stories 1

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N/A Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use RETAIL SALES

BEDDING MATTRESS SALES

10. Estimated cost _____ Fee _____

PAID

CH 17329

50.00

11/6/00

REAR SIGN 12" HIGH X 16' LONG - 2 PLANS